



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – SEPTEMBER 24, 2007

SUMMARY MINUTES¹

September 24, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members present:

**Sean Harrigan, President
Anne Sheehan, Vice President
Richard Costigan, Member**

2. REPORT OF THE EXECUTIVE OFFICER – Suzanne M. Ambrose

- a. SSA Exam – over 6,000 passed, 17 in top 3, large number in the fourth rank.
- b. Lori Gillihan is the new Chief of the Administrative Services Division.
- c. Carol Ong is the new Chief of the 21st Century Project
- d. Chila Silva-Martin is the new Chief of Consulting Services Division.
- e. Tina Black is the Human Resources (HR) Modernization Project leader for IT component.
- f. DPA held it's Labor Relations Conference – next try to do joint conference with all HR offices.
- g. September 15th HR Modification Project update was held here at the State Personnel Board.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

NONE PRESENTED

4. NEW BUSINESS

NONE PRESENTED

¹ The Minutes for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

5. REPORT ON LEGISLATION – Sherry Evans

NONE PRESENTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (c) (3), and 18653.]

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California

United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 THE

Colocousis, et al. v. State Personnel Board, et al.

Sacramento Superior Court Case No. 07CS00461

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

NO ACTION

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF
OCTOBER 9, 2007, IN SACRAMENTO, CALIFORNIA**

NONE

BOARD ACTIONS:

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
AUGUST 7, 2007**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Costigan - Aye

13. EVIDENTIARY CASES - See Case Listings on Pages 8 - 10

ACTION: ADOPTED

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes on Page 24)**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Costigan - Aye

15. NON-EVIDENTIARY CASES - See Case Listings on Pages 16 - 19

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Costigan - Aye

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On September 24, 2007, the following proposals were presented to the Board by Elise Rose, Chief Counsel, California State Personnel Board.

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

COASTAL PROJECT DEVELOPMENT SERIES, STATE COASTAL COSERVANCY

The State Coastal Conservancy proposes establishment of the Conservancy Project Development Specialist classification, with a six month probationary period; title change to the classification of Conservancy Project Development Analyst III to Conservancy Project Development Manager; and specification revision to the Conservancy Project Development Analyst series specification.

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Costigan - Aye

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

DEPUTY DIRECTOR

The Colorado River Board of California proposes to allocate the above position to the CEA category. The Deputy Director is responsible for policy development and formulation pertaining to water supply, water use, and environmental issues affecting the water, power, and natural resources of the Colorado River and California's long-term rights and interests.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

CHIEF OF SUPPORT OPERATIONS, CA STATE PRISON, SAN QUENTIN, DEPARTMENT OF CORRECTIONS & REHABILITATION

The Department of Correction and Rehabilitation's request to allocate the above position has been approved effective July 30, 2007.

CHIEF, ENTERPRISE RISK MANAGEMENT, DEPARTMENT OF CORRECTIONS & REHABILITATION

The Department of Correction and Rehabilitation's request to allocate the above position has been approved effective July 30, 2007.

CHIEF, FISCAL MANAGEMENT SECTION, DEPARTMENT OF CORRECTIONS & REHABILITATION

The Department of Correction and Rehabilitation's request to allocate the above position has been approved effective July 30, 2007.

DEPUTY DIRECTOR, HEALTH CARE CONTRACTS OPERATIONS BRANCH, DEPARTMENT OF CORRECTIONS & REHABILITATION

The Department of Correction and Rehabilitation's request to allocate the above position has been approved effective July 31, 2007.

CHIEF OF HUMAN RESOURCES PLANNING AND INNOVATION, DEPARTMENT OF CORRECTIONS & REHABILITATION

The Department of Correction and Rehabilitation's request to allocate the above position has been approved effective July 31, 2007.

DEPUTY DIRECTOR, PLAN AND PROVIDER RELATIONS, DEPARTMENT OF MANAGED HEALTH CARE

The Department of Managed Health Care's request to allocate the above position has been approved effective August 22, 2007.

**DISTRICT 11, DEPUTY DISTRICT DIRECTOR, CAPITAL DELIVERY,
DEPARTMENT OF TRANSPORTATION**

The Department of Transportation's request to allocate the above position has been approved effective August 27, 2007.

**DEPUTY DISTRICT DIRECTOR, CENTRAL REGION RIGHT OF WAY,
DEPARTMENT OF TRANSPORTATION**

The Department of Transportation's request to allocate the above position has been approved effective August 27, 2007.

**DEPUTY DISTRICT DIRECTOR, NORTH REGION RIGHT OF WAY,
DEPARTMENT OF TRANSPORTATION**

The Department of Transportation's request to allocate the above position has been approved effective August 27, 2007.

**CHIEF, OFFICE OF PUBLIC AFFAIRS, DEPARTMENT OF CONSUMER
AFFAIRS**

The Department of Consumer Affairs' request to allocate the above position has been approved effective August 29, 2007.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE PRESENTED

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE PRESENTED

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 22 - 23

A D J O U R N M E N T

WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 15 – 17 AS NOTED.

15. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

On September 24, 2007 the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Costigan - Aye

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3, 2007, Sacramento.

Oral argument continued.

Oral argument heard July 10, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 03-3412PA

Appeal from rejection during probation

Classification: Correctional Counselor II (Supervisor)

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 3, 2007.

Transcript prepared.

Pending oral argument July 10-11, 2007, Sacramento.

Oral argument continued.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(3) CASE NO. 06-3023A

Appeal from ten percent reduction in salary for three months

Classification: Psychiatric Technician

Department: Department of Corrections and Rehabilitation

Proposed decision rejected March 2, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

NO ACTION

(4) CASE NO. 05-1285A

Appeal from dismissal

Classification: Public Safety Dispatcher II

Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.

Transcript prepared.

Pending oral argument June 5, 2007, Sacramento.

Oral argument continued.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(5) CASE NO. 06-2010A

Appeal from medical termination

Classification: Administrative Support Coordinator II

Department: California State University, Los Angeles

Proposed decision rejected May 8, 2007.

Transcript prepared.

Oral argument heard August 7, 2007, Pasadena.

Case ready for decision by FULL Board.

NO ACTION

(6) PSC No. 06-03, CASE NO. 07-0806PA

Appeal from Executive Officer's disapproval of Unarmed Security Guard Services

Department: California Highway Patrol

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

(7) PSC No. 07-02, CASE NO. 07-003 (b)

Appeal from Executive Officer's disapproval of contract

Classification: Janitorial Services

Department: Department of Health Services

Petition for rehearing granted May 8, 2007.

Oral argument heard September 4, 2007, Sacramento.

Case ready for decision by FULL Board.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

(1) CASE NO. 06-0643E

Appeal from denial of sexual harassment complaint

Classification: Senior Right of Way Agent

Department: Department of Transportation

ACTION: The Board adopted the ALJ's Proposed Decision dismissing the appeal.

(2) CASE NO. 05-3515*

Appeal from rejection during probationary period

Classification: Deputy Attorney, Caltrans

Department: Department of Transportation

ACTION: The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.

*Please note: The September 24, 2007 Agenda incorrectly listed the above case no. as 03-3412.

(3) CASE NO. 06-1101

Appeal from medical transfer and constructive medical termination

Classification: Fraud Investigator

Department: Department of Health Services

ACTION: The Board adopted the ALJ's Proposed Decision revoking the medical transfer and granting appellant's appeal from constructive medical termination.

(4) CASE NO. 07-0850

Appeal from non-punitive termination

Classification: Clinical Social Worker

Department: Department of Corrections and Rehabilitation

ACTION: Remanded to ALJ.

(5) CASE NO. 06-3016

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On September 24, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Costigan - Aye

- (1) CASE NO. 07-0085P**
Appeal from 60 workday suspension
Classification: Senior Radiological Technician
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (2) CASE NO. 4-0172P, 03-3385EP & 04-0019EP**
Appeal from whistleblower retaliation complaints & dismissal
Classification: Associate Tax Auditor
Department: Franchise Tax Board
ACTION: Petition for rehearing denied.
- (3) CASE NO. 06-1601P**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.
- (4) CASE NO. 06-0233RP**
Appeal from ten percent reduction in salary for six months
Classification: Fire Captain
Department: Department of Forestry and Fire Protection
ACTION: Petition for rehearing denied.
- (5) CASE NO. 06-0015EP**
Appeal from discrimination
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
ACTION: Petition for rehearing denied.

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

On September 24, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Costigan - Aye

(1) CASE NO. 06-3534A

Appeal from constructive medical termination

Classification: Psychiatric Technician Assistant

Department: Department of Developmental Services

Proposed decision rejected June 19, 2007.

Pending transcript.

NO ACTION

(2) CASE NO. 06-3014PA

Appeal from punitive transfer

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted July 10, 2007.

Transcript prepared.

Pending oral argument October 9, 2007, Sacramento.

NO ACTION

(3) CASE NO. 05-1432E

Appeal from denial of sexual harassment complaint

Classification: Health Facilities Evaluator Nurse

Department: Department of Health Services

Proposed decision rejected June 5, 2007.

Transcript prepared.

Pending oral argument November 5, 2007, San Diego.

NO ACTION

- (4) **CASE NO. 05-3327A**
Appeal from dismissal
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected July 10, 2007.
Pending transcript.

NO ACTION

- (5) **CASE NO. 06-1413PA**
Appeal from five percent reduction in salary for six months
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted August 7, 2007.
Pending transcript

NO ACTION

- (6) **CASE NO. 07-1381A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 5, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.

NO ACTION

- (7) **CASE NO. 05-1043P**
Appeal from dismissal
Classification: Tax Counsel, Range D
Department: Board of Equalization

Petition for rehearing granted June 5, 2007.
Transcript prepared.
Pending oral argument October 9, 2007, Sacramento.

NO ACTION

17. **NON-EVIDENTIARY CASES**

A. **WITHHOLD APPEALS**

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On September 24, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Costigan - Aye

- (1) **CASE NO. 06-0351N**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative employment record and omitted pertinent information.
ACTION: DENIED
- (2) **CASE NO. 06-1113N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; inaccurate information and negative law enforcement contacts.
ACTION: DENIED
- (3) **CASE NO. 06-1322N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; misdemeanor conviction for DUI.
ACTION: DENIED
- (4) **CASE NO. 06-1720N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability, job termination.
ACTION: DENIED

- (5) **CASE NO. 06-1850N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
ACTION: SUBMITTED
- (6) **CASE NO. 06-2550N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug activity.
ACTION: SUBMITTED
- (7) **CASE NO. 06-2415N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information and failure to meet legal obligations.
ACTION: DENIED
- (8) **CASE NO. 06-2480N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; six DUI convictions.
ACTION: DENIED
- (9) **CASE NO. 06-2360N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment record.
ACTION: DENIED
- (10) **CASE NO. 06-1633N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; one DUI conviction.
ACTION: DENIED
- (11) **CASE NO. 06-2404N**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
Issue: Suitability; a negative driving and employment record.
ACTION: DENIED
- (12) **CASE NO. 06-2712N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; an active arrest warrant.
ACTION: DENIED

- (13) **CASE NO. 06-2414N**
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and negative law enforcement contacts.
ACTION: DENIED
- (14) **CASE NO. 06-1821N**
Department: Department of Corrections and Rehabilitation
Classification: Correctional Officer
Issue: Suitability; arrest/conviction record, provided inaccurate information and omitted pertinent information during the selection process.
ACTION: DENIED
- (15) **CASE NO. 06-2418N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; firearms prohibition.
ACTION: DENIED
- (16) **CASE NO. 06-2689N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information during the selection process.
ACTION: DENIED
- (17) **CASE NO. 06-1917N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; firearms prohibition.
ACTION: DENIED
- (18) **CASE NO. 06-2439N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative employment record.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

On September 24, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Costigan - Aye

(1) CASE NO. 06-0808N

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: The appellant shows signs of poor judgment and a lack of integrity; personality traits that would significantly interfere with the performance standards for state peace officer employment under Government Code § 1031.

ACTION: DENIED

(2) CASE NO.05-3289N

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: The appellant's excessive use of alcohol, in addition to his history and behavior demonstrates insufficient integrity. This would significantly interfere with the performance of a CO.

ACTION: DENIED

• **CASE NO. 06-3979N**

Classification: State Park Ranger Cadet

Department: Parks and Recreation

ACTION: DISMISSED

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Hearing Panel on each appeal.

(1) CASE NO. 06-0664N

Classification: Driver Safety Officer

Department: California Department of Motor Vehicles

Issue: Whether the appellant met the minimum qualifications as required to take the DSO examination.

ACTION: GRANTED

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

NONE

E. REQUEST TO FILE CHARGES CASES

NONE

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. HEARING – PROPOSED AMENDMENTS TO REGULATIONS CONCERNING PROCEDURES THAT APPLY TO COST SAVINGS PERSONAL SERVICES CONTRACTS UNDER GOVERNMENT CODE SECTION 19130(a) (Hearing held July 10, 2007.)

7. CASE NO. 05-4007EA

Appeal from denial of discrimination complaint. Outside contractor. Department of Transportation. (Oral argument held July 10, 2007.)

8. **PERSONAL SERVICES CONTRACT NO. 07-01.** Appeal of the Department of the California Highway Patrol (CHP) from the Executive Officer's February 21, 2007, Disapproval of CHP's Personal Services Contracts for Custodial Services at the following offices: Torrance Area Office (RFP 078CP62001); Yolo Area Office (RFP 078CP6159); Burney Area Office (RFP 078CP5634R); Anaheim Area Office (RFP 078CP6171); Los Angeles Area Office (RFP 078CP6167); Monterey Park Area Office (RFP 078CP6170); Oceanside Area Office (RFP 078CP6141); Blythe Area Office (RFP 078CP6139); Santa Ana Area Office (RFP 078CP5905R); and Redwood City Area Office (RFP 078CP6143I). (Oral argument held July 10, 2007.)
9. **CASE NO. 06-3023A.** Appeal from ten percent reduction in salary for three months. Psychiatric Technician. Department of Corrections and Rehabilitation. (Oral argument held on August 7, 2007.)
10. **CASE NO. 06-2010A.** Appeal from medical termination. Administrative Support Coordinator II. California State University, Los Angeles. (Oral argument held on August 7, 2007.)
11. **CASE NO. 03-3412PA.** Appeal from rejection during probation. Correctional Counselor II (Supervisor). Department of Corrections and Rehabilitation.
12. **CASE NO. 05-1285A.** Appeal from dismissal. Public Safety Dispatcher II. Department of the California Highway Patrol.
13. **PERSONAL SERVICES CONTRACT NO. 06-03, CASE NO. 07-0806PA.** Appeal in the matter of the Executive Officer's disapproval of Unarmed Security Guard Services contract. Department of the California Highway Patrol.
14. **PERSONAL SERVICES CONTRACT NO. 07-02, CASE NO. 07-003(b)** Appeal in the matter of the Executive Officer's disapproval of the Janitorial Services contract. Department of Health Services.

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

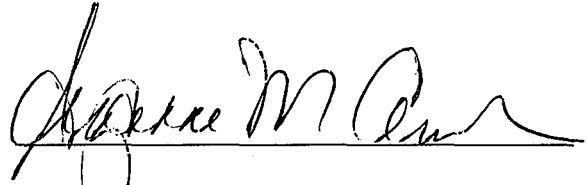
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on October 22, 2007.

VOTE: Harrigan, Sheehan, Costigan – Aye

A handwritten signature in black ink, appearing to read "Suzanne M. Ambrose", written over a horizontal line.

Suzanne M. Ambrose
Executive Officer
California State Personnel Board